IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

(1) Chamber summons no.1600 of 2006
and
(2) Chamber Summons No.1601 of 2006
in
Suit No.3120 of 1987

Pukhraj M.Bhansali ..Plaintiffs

vs.

Sharadadevi w/o GhisulalJain a
and others ,,Defendants

Ms.Nazir Qureshi i/b M/s B.Vaishnava for applicants.
None for defendants.

CORAM: S.C.DHARMADHIKARI J.
20th **July, 2007**

P.C.

1. These chamber summonses are to bring on record the heirs of deceased defendant nos.2 and 5. Suit No.3120 of 1987 was filed by the plaintiff impleading the deceased defendants. Now, they have been informed that defendant no.5 expired in the month of August, 2006 and defendant no.2 expired in 1997. However, due to inadvertence deceased defendant no.2 who is no other than the father of the plaintiff could not be brought on record. There are other family members/heirs who are parties tothe proceedings but the plaintiff through over sight did not inform the Advocate to takeout the proceedings.

2. These chamber summonses have been served on all

concerned including the heirs. There are appearances filed on record. There is a reply filed by defendant no.1(d) but the Advocate is not appearing. In the above facts and circumstances and considering the liberal principles which have to be applied,these chamber summonses are made absolute in terms of prayer clauses (a) to (e) subject, however, on payment of costs quantified at Rs.1500/- to be paid to the Maharashtra Legal Services Authority within a period of two weeks from today. Upon production of proof of payment of costs, plaint shall be allowed to be amended. Thereafter the plaintiff's Advocate to serve the amended copy of plaint on all the defendnts within a period of four weeks from the date of amendment being carried out. Written statement/Additional written statement to be filed within a period of six weeks thereater.

3. Suit to appear on board for directions thereafter.

(S.C.DHARMADHIKARI J.)